

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

KERRY ZACK PORTER

Date of Previous Judgment: 12/21/2005  
(Use Date of Last Amended Judgment if Applicable)

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Case No: 3:04CR87-01

USM No: 19627-058

Tanzania Cannon-Eckerle

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 27

Amended Offense Level: 25

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 70 to 87 months

Amended Guideline Range: 57 to 71 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The original sentence in this case was given outside the advisory guideline system, ie: a variance. No factors have changed since the original sentencing.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 12/21/2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(if different from order date)



Graham C. Mullen  
United States District Judge

